

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES CARL KELLY,
Plaintiff,

v.

GAVIN NEWSOM, et al.,
Defendants.

No. 2:23-cv-02581-TLN-DMC-P

ORDER

Plaintiff James Carl Kelly (“Plaintiff”), a prisoner proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 2, 2024, the magistrate judge filed findings and recommendations herein which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. (ECF No. 11.) Plaintiff filed a timely objection on August 16, 2024. (ECF No. 12.)

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The Findings and Recommendations filed July 2, 2024 (ECF No. 11), are
ADOPTED IN FULL;

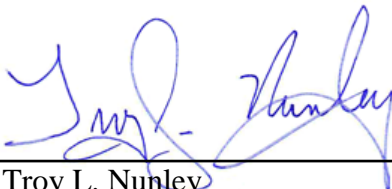
2. This action is DISMISSED without prejudice for lack of prosecution and
failure to comply with court rules and orders;

3. Plaintiff's Motion for Injunctive Relief (ECF No. 4) is DENIED as moot;
and

4. The Clerk of the Court is directed to enter judgment and close this file.

IT IS SO ORDERED.

Date: September 24, 2024



Troy L. Nunley
United States District Judge